

Docket No.: 1594.1305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jin Kyu CHOI et al..

Group Art Unit: 3748

Serial No. 10/733,238

Examiner: John J. Vrablik

Filed: December 12, 2003

Batch No:

For: VARIABLE CAPACITY ROTARY COMPRESSOR

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance along with the Notice of Allowance, mailed June 14, 2004, in which the Examiner indicated that claims 1-30 were allowed. The Examiner indicated that the claims were allowed because "prior art does not disclose a rotary compressor having first and second compressing chambers wherein one of the chambers selectively performs a compressing operation and the other chamber performs an idling operation, and a pressure control unit applied a discharging pressure to the chamber performing the idling operation.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

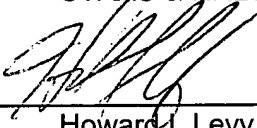
Indeed, a review of the Examiner's Reasons for Allowance indicates that the Examiner has determined that "the claims are allowed because the prior art does not disclose a rotary compressor having first and second compressing chambers wherein one of the chambers selectively performs a compressing operation and the other chamber performs an idling operation, and a pressure control unit applies a discharging pressure to the chamber performing the idling operation. Applicants submit that these reasons are an incomplete explanation for the allowability of the claims.

Applicants respectively note that claims 1-30 are not constrained by such limitations and that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

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Date: August 17, 2004

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